

## LABOR SERVICES DIVISION[875]

### Notice of Intended Action

**Twenty-five interested persons, a governmental subdivision, an agency or association of 25 or more persons may demand an oral presentation hereon as provided in Iowa Code section 17A.4(1)“b.”**

**Notice is also given to the public that the Administrative Rules Review Committee may, on its own motion or on written request by any individual or group, review this proposed action under section 17A.8(6) at a regular or special meeting where the public or interested persons may be heard.**

Pursuant to the authority of Iowa Code section 88A.3, the Labor Commissioner hereby gives Notice of Intended Action to amend Chapter 61, “Administration of Iowa Code Chapter 88A,” and Chapter 62, “Safety Rules for Amusement Rides, Amusement Devices, and Concession Booths,” Iowa Administrative Code.

These proposed amendments would adopt a new definition of “amusement device” that excludes inflatable rides from the jurisdiction of Iowa Code chapter 88A, and would remove one reference to inflatable rides from the rules.

The principal reason for proposing these amendments is to reduce expenses of the Division of Labor Services. The Labor Commissioner has carefully weighed options for reducing the expenses of the Division of Labor Services and has determined that ending regulation of inflatable rides is the option that is least disruptive to the public. Due to the impossibility of uniform enforcement and the high cost for travel, the Division has, for some time, been considering joining the large number of states that do not regulate inflatable amusement rides. Compared to other functions performed by the Iowa Division of Labor Services, inspection of inflatable rides generates less revenue; requires more costly travel; and has less impact on public health, safety, and welfare.

If requested in accordance with Iowa Code section 17A.4(1)“b” by the close of business on December 9, 2009, a public hearing will be held on December 10, 2009, at 9 a.m. in the Stanley Room at 1000 East Grand Avenue, Des Moines, Iowa. Interested persons will be given the opportunity to make oral statements and submit documents concerning the proposed amendments. The facility for the oral presentations is accessible to and functional for persons with physical disabilities. Persons who have special requirements should call (515)242-5869 in advance to arrange access or other needed services.

Written data, views, or arguments to be considered in adoption shall be submitted by interested persons no later than December 10, 2009, to Division of Labor Services, 1000 East Grand Avenue, Des Moines, Iowa 50319-0209. Comments may be sent electronically to [kathleen.uehling@iwd.iowa.gov](mailto:kathleen.uehling@iwd.iowa.gov).

No variance procedures are included in these rules because variance procedures are set forth in 875—Chapter 1.

These amendments are intended to implement Iowa Code chapter 88A.

The following amendments are proposed.

ITEM 1. Adopt the following **new** definition of “Amusement device” in subrule **61.1(1)**:

“*Amusement device*” means any equipment or piece of equipment, appliance or combination thereof designed or intended to entertain or amuse a person. “Amusement device” shall not include a device that:

1. Is made of flexible fabric;
2. Is inflated by air flow that is created by one or more blowers; and
3. Relies upon air pressure to maintain its shape.

ITEM 2. Amend subrule 62.2(9) as follows:

**62.2(9) Master switch.** Each electrically operated amusement device shall be provided with a fused disconnect switch or circuit breaker placed within unobstructed reach of the ride operator. This subrule shall not apply to ~~blowers for inflatable rides or~~ to devices designed to be controlled directly by the public.